

**REMARKS**

Applicant requests reconsideration of the application as amended. Claims 1-8 and 10-20 are pending. Claim 9 was previously canceled without prejudice. Claims 1 and 19 are currently amended to clarify that said firearm mounted to the shield is dischargeably operable when said shield is held by the user in front of the user's body. Support for this amendment is found in paragraphs [0027 and [0029], which state that (a) the handle or forearm cuff permits the enforcement officer to hold the shield in a protective position while concurrently engaging a weapon integral with the shield with his hand, and (b) the firearm may be discharged to impact a target assailant located in front of the enforcement officer using the shield without separating the firearm from the shield. Claims 19 and 20 also are currently amended for clarity to delete redundant wording.

The specification has been amended at paragraphs [0025], [0027] and [0029] to explicitly recite "means for viewing", "means for carrying or holding" and "means for mounting".

In the November 21, 2006 Office Action, the Examiner objected to the specification on grounds that the specification does not meet 37 CFR 1.75(d)(1) where claims 19 and 20 included means plus function language: "means for viewing", "means for carrying or holding" and "means for mounting". The Examiner also rejected claims 19 and 20 under 35 USC 112, first paragraph, on grounds that these claims are not supported by the written description of the application. Applicant disagrees.

Applicant submits that the original specification at paragraph [0025] and the accompanying Figures clearly, and certainly implicitly if not explicitly, identified window 12 as a means for viewing through the shield. Nevertheless, as permitted by MPEP §§ 608.01(o) and 2181, Applicant has amended paragraph [0025] to include specific reference to "means": "The window 12 thus provides a means for viewing through the shield."

Applicant submits that the original specification at paragraph [0027] and the accompanying Figures clearly, and certainly implicitly if not explicitly, identified handle or forearm cuff 24 as a means for carrying or holding the shield. Nevertheless, as permitted by

MPEP §§ 608.01(o) and 2181, Applicant has amended paragraph [0027] to include specific reference to “means”: “which is a means for carrying or holding the shield 10.”

Applicant submits that the original specification at paragraph [0029] and the accompanying Figures clearly, and certainly implicitly if not explicitly, identified frame 36 as a means for mounting a firearm to the shield. Nevertheless, as permitted by MPEP §§ 608.01(o) and 2181, Applicant has amended paragraph [0029] to include specific reference to “means”: “Such frame 36 is a means for mounting the firearm 14 to the shield 10.

Claims 1-5, 8, 10-12, 17, 19 and 20 were rejected under 35 USC §103(a) as obvious over US 2316055 (Davey) in view of US 6886446 (Baker). Applicant respectfully traverses this rejection.

Applicant discloses and claims a ballistic shield formed of a ballistic material with a viewing window, a handle mounted on the shield and a firearm mounted onto the shield. The firearm is mounted via a frame attached to the shield. As so mounted, the firearm is dischargeably operable so that the law enforcement officer may discharge the firearm while still holding the shield in front of his body to protect himself. Applicant’s shield is designed for use in modern law enforcement and crowd control, in which law enforcement officers must move together (usually in a line) into a crowd while holding shields in front of their bodies. Applicant’s shield improves upon prior shields because one or more firearms and optionally other weapons are attached to the shield, and the firearms may be discharged while the shield is still held in protective position to protect the law enforcement officer. In contrast, the prior art shields cited by the Examiner require a soldier to position a shield on the ground and insert a weapon into an aperture before the soldier is ready to discharge that weapon.

Davey discloses a shield formed of a material capable of protecting against projectiles. Davey’s shield has a viewing window, one or more handles mounted on the shield and an aperture 25 arranged below the viewing window to receive the front end of a pistol or rifle. Davey does not disclose the use of a frame attached to the shield to mount a firearm to the shield. Davey is devoid of any structure that can facilitate the mounting of weapon onto the shield.

Davey shows an aperture through which only the tip of a firearm can be inserted. Maintaining this insertion requires the user to hold the firearm in position. The Davey aperture does not permit the mounting of a firearm onto the shield. Instead, Davey requires that the user expend effort to place and retain the firearm in position in association with the shield. There is no mounting means to hold the firearm in place in association with the shield while the soldier holds one or more of the handles 16, 17. Thus, Davey's shield cannot be transported from location to location with a firearm integrally mounted therein and ready for firing. Rather, Davey requires a soldier to set up a shield to be "independently supported on the terrain" (Col. 2, lines 29-30), rather than permitting a firearm to be discharged when the shield is held by the soldier. Thus, Davey lacks "a frame for mounting a firearm attached to the shield" and "a firearm mounted to the shield and dischargeably operable when so mounted".

Baker does not fill the gaps in the disclosure of Davey. Baker shows a ballistic shield with a handle 40 secured to the shield and onto which a long gun may be supported and a strap 34 secured to an inside surface of the shield that the user may hold by hand or wrist to support the shield in front of his torso. Baker's shield has a shallow V-groove or notch at a top margin over which a long gun barrel may be supported. With such configuration, Baker lacks a frame for mounting a firearm attached to the shield. At Col. 6, lines 23-26, Baker states: "It will be appreciated that the long gun cannot merely rest on the handle/support, but must be gripped by the operator to provide stability to the forward end of the long gun." This makes clear that the handle 40 is not a frame that attaches the long gun to the shield. See also discussion at Col. 7, lines 5-16. The gun merely rests atop the handle 40 and V-groove and must be held in place by the user. Baker further indicates that the shield may be transported by clipping it by the strap 34 to the individual's vest. Baker thus does not teach transporting the shield with a firearm integrally attached.

Finally, Baker teaches away from integrating a shield together with a viewing window. Baker proposes a separate helmet and visor to protect the user's head (Col. 7, lines 37-40). Baker does so to make the shield have a lighter weight (Col. 7, lines 17-21): "It will also be appreciated that without the viewport formed of a polycarbonate or lexan material, the present shield, as in conventional ballistic shields formed of polyethylene, is advantageously

considerably lighter than such conventional shields.” See also, Col. 7, lines 59-61: “Moreover, the present ballistic shield is lighter than conventional shields by eliminating the very heavy viewport.”

In view Baker’s clear teaching away from integrating a viewing window into a ballistic shield, skilled persons would not be disposed to try to combine the teachings of Baker and Davey. Even if such combination were attempted, skilled persons would more likely embrace Baker’s more recent teaching that a viewing window adds weight and should not be included. Davey is not a hand-held shield, but is supported on the ground when in use. Moreover, neither Baker nor Davey disclose a shield with a frame for mounting a firearm to the shield. Davey has an aperture through which a gun barrel may be inserted, and Baker has a V-groove and handle onto which a rifle barrel is placed. Neither the aperture nor the V-groove hold the firearm in place while the shield is transported from one location to another. This is a significant benefit to Applicant’s claimed hand-held ballistic shield.

The rejection as to claim 1 and all claims depending from claim 1 should be withdrawn.

As to claim 10, the Examiner has not cited a reference that shows a hand-held ballistic shield with more than one firearm mounted for operable discharge from said shield. Davey has a single aperture for a single rifle barrel. Baker has a single V-groove for a single long gun barrel. Neither Davey nor Baker suggest that multiple firearms can be attached for operation from a single shield. Claim 10 expressly states “a second firearm mounted to the shield.” This means mounted to the same shield. The Examiner wrongly urges that two or more of Davey’s single shields can supply this claim limitation. Applicant vigorously disagrees. Claim 10 should be allowed.

Claims 6, 7, 13, 14 and 16 were rejected under 35 USC §103(a) as obvious over US 2316055 (Davey) in view of US 6886446 (Baker) and in view of US 6272781 (Resnick). Applicant respectfully traverses this rejection.

Applicant refers to the discussion above concerning the lack of disclosure in Davey and Baker for Applicant's claimed invention. Resnick does not fill the gaps in Davey and Baker. Resnick discloses a protective garment for wear by a user. Resnick does not disclose mounting a firearm to a ballistic shield that is dischargeably operable by the user from a face of the shield oriented toward the user. Nor does Resnick show a hand-held ballistic shield with a viewing window. Hence the instant rejections of claims 6, 7, 13, 14, and 16 cannot make out a *prima facie* case of obviousness because the cited references do not disclose all the claimed elements. Accordingly, Applicant respectfully requests that the rejection of claims 6, 7, 13, 14, and 16 be withdrawn.

Claim 15 was rejected under 35 USC §103(a) as obvious over US 2316055 (Davey) in view of US 6886446 (Baker) and in view of US 1227544 (Lobdell). Applicant respectfully traverses this rejection.

Claim 1 as amended distinguishes from Davey and Baker as noted above. Furthermore, neither Davey nor Baker discloses the use of a mirror in the viewing window. Lobdell does not fill the gap in the disclosures of Davey. Lobdell discloses a gun sight adapted to engage the barrel of a carbine repeater rifle. Lobdell is devoid of any teaching regarding a ballistic shield formed of a ballistic material with a viewing window, a handle mounted on the shield and a firearm mounted onto the shield. Lobdell does not disclose the use of a frame attached to the shield to mount a firearm to the shield. Lobdell is devoid of any structure that can facilitate the mounting of weapon onto a shield. Lobdell discloses a gun sight for a firearm designed to correct for blurring due to incorrect focusing by the user. Lobdell does not disclose mounting a firearm to a ballistic shield that is dischargeably operable by the user from a face of the shield oriented toward the user. Hence the instant rejection of claim 15 cannot make out a *prima facie* case of obviousness because the cited references do not disclose all the claimed elements. Accordingly, Applicant respectfully requests that the rejection of claim 15 be withdrawn.

Application No. 10/709,626  
Amendment dated January 3, 2007  
Reply to Office Action of November 21, 2006

Docket No.: 12051-00001-US

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Enclosed is a Supplemental Information Disclosure Statement. Pursuant to 37 CFR 1.97(b), Applicant cites references from the International Search Report issued for PCT/US2005/017154.

Applicant concurrently submits a Request for Continued Examination (RCE), along with the required \$500.00 fee.

If any other fees are due, please charge our Deposit Account No. 03-2775, under Order No. 12051-00001-US from which the undersigned is authorized to draw.

Dated: January 3, 2007

Respectfully submitted,

By   
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Information Disclosure Statement  
PCT Search Report  
Request for Continued Examination  
Fee Transmittal